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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
NATHANIEL OPONDO HUBBERT,  
  
Defendant.

CASE NO. 2:20-CR-00123-JAM-2

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: September 27, 2022  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

**STIPULATION**

1. By previous order, this matter was set for a status conference on September 27, 2022.
2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference until October 4, 2022, at 9:00 a.m., and to exclude time between September 27, 2022, and October 4, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes over eight gigabytes of evidence in electronic form, including police reports, pictures, multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone report, and criminal history documents. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
  - b) Counsel for Mr. Hubbert desires additional time to gather additional criminal

1 history documents, consult with her client, conduct further review of her client's criminal  
2 history, conduct interviews and prepare evidence in mitigation, discuss potential resolutions with  
3 her client, and otherwise prepare for trial. Counsel for Mr. Hubbert has also expressed that the  
4 COVID-19 pandemic has hindered her preparation in this case, and that she will be unavailable  
5 the week of September 26, 2022 because of upcoming travel.

6 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested  
7 continuance would deny her the reasonable time necessary for effective preparation, taking into  
8 account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of September 27, 2022 to October 4,  
15 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
16 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
17 of the Court's finding that the ends of justice served by taking such action outweigh the best  
18 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 23, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: September 23, 2022

/s/ KRESTA DALY  
KRESTA DALY  
Counsel for Defendant  
NATHANIEL OPONDO HUBBERT

**ORDER**

IT IS SO FOUND AND ORDERED this 23<sup>rd</sup> day of September, 2022.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE